



Ana Yáñez-Correa, Ph.D.
Executive Director
Tel: 512.441.8123 ext. 109
Cell: 512.587.7010
Email: acorrea@criminaljusticecoalition.org
www.criminaljusticecoalition.org

SENATE BILL 1209

FACT SHEET, 2011

ALLOW COURTS TO CONTINUE JUVENILE DETENTION FOLLOWING TRANSFER TO ADULT CRIMINAL COURT

PROBLEM

Under current law, Texas juvenile courts are allowed to transfer juveniles to adult criminal courts. However, current law does not allow those juvenile courts to order that the juvenile continue to be detained in a juvenile detention facility. The result is that many Texas youth pending trial are detained in adult county jails, environments that pose severe danger to the youth's rehabilitation and mental and physical health. Granting juvenile courts the power to continue detention in juvenile facilities will create more consistent incarceration policies, decrease recidivism, and minimize abuse against juveniles in adult county jails.

KEY FINDINGS

- While in adult jail, Texas youth are more likely than their peers in juvenile facilities to be violently assaulted.¹
- Youth in adult jails wait much longer for trial than their peers in juvenile facilities, placing them at greater risk of psychiatric problems stemming from separation from loved ones, facility crowding, or solitary confinement.² Programs and services offered to adult inmates are not geared towards rehabilitating juveniles, and therefore can be ineffective for youth inmates.
- Housing juveniles in adult jails adds to their overall knowledge of crime, acting as a "crime college," and ultimately heightening their risk of recidivism.³ Texas youth who have been detained in adult jail are more likely to re-offend than youth with similar offense histories who have been detained in juvenile facilities.⁴

SUPPORT S.B. 1209 BY REPRESENTATIVE WHITMIRE

- **S.B. 1209 provides greater consistency in juvenile incarceration by allowing juvenile courts to order youth under 17 years of age to be detained in a certified juvenile detention facility pending trial in an adult criminal court.** The bill limits this new authority by allowing the judge in the criminal court to override the juvenile court and order the juvenile held in adult jail.
- **S.B. 1209 prevents psychiatric and physical harm to juveniles by reducing the time that a juvenile waits in an adult jail.** The bill adds the prosecution of juveniles under the age of 17 to the list of trials that must receive priority in trial scheduling in adult criminal courts.

¹ Center for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, 2007.

² Jason J. Washburn, Ph.D., et al, *Psychiatric Disorders Among Detained Youth: A Comparison of Youths Processed in Juvenile and Criminal Court*, Psychiatric Services, September, 2008.

³ John Roman, *Putting Juveniles in Adult Jails Doesn't Work*, Urban Institute Public Policy Center, Publications, 2008, <http://www.urban.org/publications/901138.html>.

⁴ Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* 2008.